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Papers: Response to OA (Amend., 7p),
Transmittal Form, Return Card

Inventor: Richied

Title: DIVIDER WITH MOVABLE TAB

Serial No.: 10/696,499

Docket No.: 100041-41185

MeadWestvaco Corporation

MPL:SJE:vrs



October 14, 2004

Daniel B. Reece IV
MeadWestvaco Corporation
P. O. Box 118005
Charleston, SC 29423-8005

RE: U.S. Patent Application for DIVIDER WITH MOBABLE TAB
MeadWestvaco Ref. No.: E-20194
Our Ref. No.: 100041-41185

Dear Dan:

We have received, and enclose a copy of, a first Office action issued by the U.S. Patent and Trademark Office ("PTO") in the prosecution of the above-identified patent application. After briefly consulting with Brian Hazelwood, we have prepared, and enclose a copy of, an Amendment filed at the PTO earlier today which responds to the outstanding Office action. As you can see, the Amendment seeks to capture the subject matter indicated by the Office action to be allowable.

Please feel free to contact me if you have any questions or concerns, or if you would like to discuss this matter in greater detail.

Very truly yours,

A handwritten signature in black ink, appearing to be "S. Elleman".

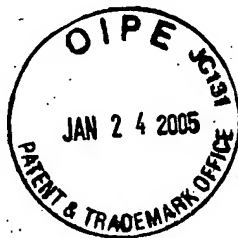
Steven J. Elleman

Enclosures

c: Brian Hazelwood (w/encl.)

Steve.Elleman@ThompsonHine.com Phone 937.443.6838 Fax 937.443.6637

ads 356896.1

FAX COVER PAGE

PAGES: 13 including cover

DATE: January 21, 2005

FROM: Steven J. Elleman
937.443.6838
Steve.Elleman@ThompsonHine.comTO: Monica Smith Carter
Primary Examiner
United States Patent and Trademark Office
Art Unit: 3722
PHONE: 571-272-4475
FAX: 703-872-9306

PLEASE SEE ATTACHED.

Re: Application of

Applicant : Richied
Serial No. : 10/696,499
Filed : October 29, 2003
Title : DIVIDER WITH MOVABLE TAB
Docket : 100041-41185
Examiner : Monica S. Carter
Art Unit : 3722

**REQUEST TO CONSIDER CORRESPONDENCE NEVER RECEIVED AS TIMELY
FILED IN ACCORDANCE WITH CERTIFICATE OF MAILING (37 C.F.R. § 1.8(b))**

Per Andrea L. Wellington, the examiner's supervisor, this facsimile is being sent to Examiner Monica S. Carter at facsimile 703-872-9306.

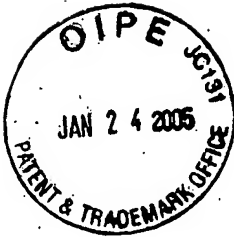
Problems with transmission? Call Marriet Burdick at 937-331-6044.

mib 00000.100041.41185

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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, Post Office Box 1450, Alexandria, VA 22313-1450, on:



1/21/05
Date of Deposit

818
Attorney

41,733

Reg. No.

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of

Applicant : Richied
Serial No. : 10/696,499
Filed : October 29, 2003
Title : DIVIDER WITH MOVABLE TAB
Docket : 100041-41185
Examiner : Monica S. Carter
Art Unit : 3722

Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

Sir:

**REQUEST TO CONSIDER CORRESPONDENCE NEVER RECEIVED AS TIMELY
FILED IN ACCORDANCE WITH CERTIFICATE OF MAILING (37 C.F.R. § 1.8(b))**

This is a request to consider correspondence filed in the above-identified application as being timely filed in accordance with the procedures of 37 C.F.R. § 1.8(a).

An Amendment filed in response to an Office action dated July 23, 2004 was mailed on October 14, 2004. A copy of such Amendment is enclosed. As can be seen that Amendment includes a Certificate of Mailing certifying that the correspondence was being deposited with the United States Postal service on October 14, 2004. Also submitted herewith is a copy of a letter, dated October 14, 2004, from the undersigned to the Applicant reporting the filing of the subject

Serial No. 10/696,499
Attorney Docket No. 100041-41185
Petition

paper on October 14, 2004. This letter is provided as further evidence that the paper of October 14, 2004 was properly mailed on that day.

On January 14, 2005, the undersigned discovered that the United States Patent and Trademark Office has not received the Amendment filed on October 14, 2004. Accordingly, this Request is being promptly submitted upon discovery that the Office never received that paper.

In view of the foregoing, it is hereby requested that the correspondence filed in the above-identified application be considered as being timely filed and considered by the Examiner.

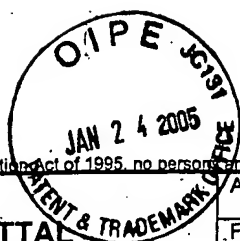
Respectfully submitted,



Steven J. Elleman
Reg. No. 41,733

THOMPSON HINE LLP
2000 Courthouse Plaza NE
10 West Second Street
Dayton, Ohio 45402-1758
PH (937) 443-6838

369614.1



PTO/SB/21 (08-03)

Approved for use through 08/30/2003. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no person is required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	10/696,499	
	Filing Date	October 29, 2003	
	First Named Inventor	Richied	
	Art Unit	3722	
	Examiner Name	M.S. Carter	
Total Number of Pages in This Submission	8	Attorney Docket Number	100041-41185

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance communication to Technology Center (TC)
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input checked="" type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Change of Correspondence Address	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	Return Postcard
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Response to Missing Parts/Incomplete Application	Remarks The Commissioner is hereby authorized to charge any additional fees required (including the fee for any extension of time), or to credit any overpayment, to Deposit Acct. No.: 20-0809.	
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	Thompson Hine LLP 2000 Courthouse Plaza N.E., 10 West Second Street Dayton, Ohio 45402-1758
Signature	
Date	10/14/04

CERTIFICATE OF TRANSMISSION/MAILING			
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.			
Typed or printed name	Steven J. Elleman, Reg. No. 41,733		
Signature		Date	10/14/04

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.